IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16370 of 2004

Between:

Khaja Muneeruddin S/o M.A. Khader
S.V. No. Road, 15-3-201, Near Musical Garden, Warangal

..... PETITIONER

AND

1 The Commissioner, Warangal Municipal Corporation, Warangal
2 The Vice-Chairman, Kakatiya Urban Development Authority, Warangal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents the propose action of the respondents in taking over the lands of the petitioner from his premises H. No. 6/221(old) 6-2-225(New) situated at chowrasta, Hanumakonda, Warangal to an extent of 40 Sq. yards without following guidelines in WP No. 21144/00 dt 6-11-2000 is illegal, arbitrary and violation of fundamental rights and more particularly violation of Division Bench Judgment of this Hon'ble Court made in WP No. 21144/00 and consequently direct the respondents not to interfere peaceful possession of the petitioner in respect of the above mentioned properties without following the due process of law and the guidelines issued by this Hon'ble Court in WP No. 21144/00 dt 6-11-2000

For the Petitioner: MR.KUNA REDDY ANJI REDDY, Advocate

For the Respondents: MR.K.VENUGOPAL REDDY, Standing Counsel

The Court at the admission stage made the following :

ORDER:

The complaint of the petitioner in this writ petition is the first respondent-Municipal Corporation without following due procedure has taken over land to an extent of 40 sq.yards for the purpose of road widening by demolishing the structures existed on premises bearing House No.6/212 (Old) 6-2-225 (new) situate at Chowrastha, Hanumakonda, Warangal District on 27-10-2000, which action is arbitrary and contrary to the guidelines issued by the Division Bench of this court in WP No.21198/97 and batch dt. 3-2-1998.

Learned counsel for the petitioner submits that petitioner's case falls under guideline No.5 of the guidelines issued in WP No.21198/97 and batch, wherein this court held "that in case of demolition of private property, the authorities concerned shall determine the loss caused to the occupants on the basis of the assessment to be made by the Engineer of R & B Department and on such assessment of damages, the concerned authorities shall take appropriate steps to disburse the amount quantified forthwith."

In view of the same, the respondents are hereby directed to assess the damage caused to the petitioner in consultation with the R & B Department and after giving due opportunity to the petitioner determine the loss caused to the petitioner. It is needless to observe that if the petitioner is entitled to any such damages claimed, the same shall be paid by the respondents.

The writ petition is accordingly disposed of.

12-10-2004

kmr

To

1 The Commissioner, Warangal Municipal Corporation, Warangal
2 The Vice-Chairman, Kakatiya Urban Development Authority, Warangal

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